

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

LEE JOHNSON

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-27-SA-DAS

CITY OF ABERDEEN, MISSISSIPPI

DEFENDANT

ORDER

Lee Johnson filed his Complaint [1] in this Court on February 17, 2017 against his employer, the City of Aberdeen, Mississippi. The City filed an Answer [7], and subsequently filed a Motion to Dismiss [14] for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), or in the alternative for summary judgment. Plaintiff Johnson responded by filing a Motion to Amend [17] his complaint.

In part because the City does not oppose the Plaintiff's motion to amend, and in part because leave to amend "should be freely given" under Federal Rule of Civil Procedure 15, the Plaintiff's Motion to Amend [17] is GRANTED. *See* FED. R. CIV. P. 15(a). The Plaintiff must file his amended complaint on the docket within seven days of this issuance of this order.

The City's Motion to Dismiss [14] is DENIED as MOOT without prejudice to refile of the same.

SO ORDERED on this the 11th day of December, 2017.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE